

REMARKS

This Amendment is responsive to the Office Action dated March 30, 2004. Claims 7-18 were pending in the application. In the Office Action, claims 7-18 were rejected. In this Amendment, claims 7 and 13 have been amended. Claims 7-18 thus remain for consideration.

Applicant submits that claims 7-18 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 7, 8, 10-14, 16 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Robb (WO 97/26744 in view of Salomaki (WO 97/28649).

Claims 9 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Robb in view of Salomaki, and in further view of Kariya (U.S. Patent No. 6,169,897).

Applicant submits that the independent claims (claims 7 and 13) are patentable over Robb, Salomaki and Kariya.

Applicant's invention as recited in the independent claims is directed toward a mobile communication apparatus and an information providing system including such an apparatus. Each of the claims specifies that the mobile communication apparatus is operable to transmit and receive information signals via radio waves to and from a base station. The claims further recite that the mobile communication apparatus is "operable to reproduce and output downloaded data when said apparatus is in a stand-by state." Supporting disclosure for Applicant's stand-by state implementation can be found in the specification at, for example, page 16, line 24 – page 17, line 4.

Neither Robb, Salomaki nor Kariya discloses a mobile communication apparatus that is operable to reproduce and output downloaded data when the apparatus is in a stand-by state. Accordingly, Applicant submits that claims 7 and 13 are patentable over Robb, Salomaki and Kariya - taken either alone or in combination - on at least this basis.

Claims 8-12 depend on claim 7. Since claim 7 is believed to be patentable over the cited references, claims 8-12 are believed to be patentable over the cited references on the basis of their dependency on claim 7.

Claims 14-18 depend on claim 13. Since claim 13 is believed to be patentable over the cited references, claims 14-18 are believed to be patentable over the cited references on the basis of their dependency on claim 13.

Applicant submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Bruno Polito
Reg. No. 38,580
(212) 588-0800